## 1ac

#### Plan- The United States ought to recognize an unconditional right to strike for workers.

### Advantage

#### The Advantage is Unions

#### Scenario 1 is Innovation

#### Unionization percentages in the US are declining.

Human Rights Watch, 4-29-2021, "Why the US PRO Act Matters for the Right to Unionize: Questions and Answers," https://www.hrw.org/news/2021/04/29/why-us-pro-act-matters-right-unionize-questions-and-answers

What is the state of union membership in the United States? (Loyola IB)

In 2020, after a period of steady decline, union membership (the share of workers who are members of a union, also referred to as union density) in the United States stood at a very low [10.8 percent](https://www.bls.gov/news.release/pdf/union2.pdf). The share of US workers with collective bargaining coverage (those represented by a union, including nonunion members) was similarly low, at [12.1 percent](https://www.bls.gov/news.release/pdf/union2.pdf). Union membership was significantly higher in the 1950s through the 1970s with about a third of workers being part of, or protected by, a union, but after 1973, union membership in the private sector became the target of antiworker politicians and corporations.

Historical [data](https://www.nber.org/papers/w24587) show that the decline in [bargaining](https://www.nber.org/papers/w24587) power coincided with stagnating [wages for lower income workers and growing](https://www.epi.org/publication/charting-wage-stagnation/) income inequality. Researchers at Harvard University and the University of Washington found that the drop in union density may have accounted for as much as [40 percent of rising inequality](https://www.asanet.org/sites/default/files/savvy/images/journals/docs/pdf/asr/WesternandRosenfeld.pdf).

Presently, a worker covered by a collective bargaining agreement in the United States [on average earns about 11.2 percent more](https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/) than a worker with a similar education, occupation, and experience in a nonunionized workplace in the same sector. This difference is more pronounced for Black and Hispanic workers, which suggests that unions can help to reduce the racial wage gap. On average, Black workers represented by a union earn [13.7 percent more](https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/) than their nonunionized peers, and [Hispanic workers](https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/) represented by a union earn [20.1 percent more](https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/).

#### Strikes generate support for unions – its critical to their power

Reich et al, 2021. Alexander Hertel-Fernandez et al,. Suresh Naidu, and Adam Reich et al, 2021. Alexander Hertel-Fernandez is an associate professor of public affairs at Columbia University, where he studies American political economy, with a focus on the politics of business, labor, wealthy donors, and policy. Adam Reich is an associate professor of sociology at Columbia University, Naidu is a professor of economics and public affairs at Columbia University. “Schooled by Strikes? The Effects of Large-Scale Labor Unrest on Mass Attitudes toward the Labor Movement.” *Perspectives on Politics*, American Political Science Association, March 2021 Vol 19 No. 1. doi:10.1017/S1537592720001279

We examined the political consequences of large-scale teacher strikes, studying how firsthand exposure changed mass attitudes and public preferences. Across a range of specifications and approaches, we find that increased exposure to the strikes led to greater support for the walkouts, more support for legal rights for teachers and unions, and, especially, greater personal interest in labor action at people’s own jobs, though not necessarily through traditional unions. Returning to the theoretical expectations we outlined earlier, the teacher strikes appear to have changed the ways that parents think about the labor movement, generating greater public support. The results regarding workers’ interest in undertaking labor action in their own jobs also suggests evidence in favor of the public inspiration and imitation hypothesis, underscoring the role that social movements and mobilizations can play in teaching noninvolved members about the movement and tactics. Still, an important caveat to these findings is that strike-exposed parents were not more likely to say that they would vote for a traditional union at their jobs, possibly reflecting the fact that the strikes emphasized individual teachers and not necessarily teacher unions as organizations either in schools or in parents’ own workplaces. Further research might explore this difference, together with the fact that we find somewhat stronger evidence in favor of the imitation hypothesis (i.e., support for labor action at one’s own work) than for the public support hypothesis (i.e., support for the striking teachers). Before we discuss the broader implications of our findings for the understanding of the labor movement, we briefly review and address several caveats to the interpretation of our results. One concern is whether the results we identify from a single survey can speak to enduring changes in public opinion about the strikes and unions. Given the timing of the teacher strikes in the first half of 2018, our respondents were reflecting on events that happened 7–12 months in the past. We therefore think that our results represent more durable changes in opinion as a result of the strikes, in line with other studies of historical mobilizations and long-term changes in attitudes (Mazumder 2018). The AFL-CIO time-series polling data, moreover, further suggest that there were increases in aggregate public support for unions in the strike states after the strikes occurred. Nevertheless, follow-up studies should examine how opinion toward, and interest in, unions evolve in the mass teacher strike states, and it would be especially interesting to understand whether unions have begun capitalizing on the interest in the labor movement that the strikes generated. We also note that, despite the large sample size of our original survey, we still lack sufficient statistical power to fully explore the effects of the strikes on all of our survey outcomes. Future studies ought to consider alternative designs with the power to probe the individual outcomes that were not considered in this study.

Another question is how to generalize from our results to other strikes and labor actions. Although it is beyond the scope of this article to develop and test a more general theory of strike action, there are factors that suggest that the teacher strikes we study here represent a hard test for building public support. The affected states had relatively weak public sector labor movements, meaning that few individuals had personal connections to unions; most were also generally conservative and Republican leaning, further potentially reducing the receptivity of the public to the teachers’ demands. And lastly, the type of work we study —teaching—involves close interaction with a very sympathetic constituency: children and their parents. This should make strike disruptions more controversial and increase the likelihood of political backlash (and indeed, we do find that the strikes were less persuasive for parents who may have lacked access to childcare). Nevertheless, additional factors may have strengthened the effects of the strikes; namely, that education spending in the strike and walkout states had dropped so precipitously since the Great Recession, giving teachers the opportunity to connect their demands to broader public goods. Considering these factors together, we feel comfortable arguing that strikes are likely to be successful in other contexts where involved employees can successfully leverage close connections to the clients and customers they serve and connect their grievances to the interests of the broader community. This is likely to be especially true in cases where individuals feel they are not receiving the level of quality service they deserve from businesses or governments. The flip side of our argument is that strikes are less likely to be successful—and may produce backlash—when the mass public views striking workers’ demands as illegitimate or opposed to their own interests or when individuals are especially inconvenienced by labor action and do not have readily available alternatives (such as lacking childcare during school strikes). This suggests that teachers’ unions’ provision of meals and childcare to parents (as happened in a number of the recent strikes) is a particularly important tactic to avoid public backlash. In addition, our results suggest that future strikes on their own are unlikely to change public opinion if all they do is to provide information about workers’ grievances or disrupt work routines. Our exploratory analysis of the mechanisms driving our results suggests that it was not necessarily information about poor school quality or the strikes themselves that changed parents’ minds, but perhaps the fact that the teachers were discussing the public goods they were seeking for the broader community. We anticipate that strikes or walkouts that adopt a similar strategy—similar to the notion of “bargaining for the common good”—would be most likely to register effects like ours in the future (McCartin 2016). Notably, that is exactly the strategy deployed by teachers in Los Angeles, who spent several years building ties to community members and explaining the broader benefits that a stronger union could offer to their community in the run-up to a strike in early 2019 (Caputo-Pearl and McAlevey 2019). In all, our results complement a long line of work arguing for the primacy of the strike as a tactic for labor influence (e.g. Burns 2011; Rosenfeld 2006; Rubin 1986). Although this literature generally has focused on the economic consequences of strikes, we have shown that strikes can also have significant effects on public opinion. Even though private sector strikes have long sought to amass public support, public-facing strikes are even more important for public sector labor unions, given their structure of production and the fact that their“managers”are ultimately elected officials. But how should we view strikes relative to the other strategies that public sector unions might deploy in politics, such as campaign contributions, inside lobbying, or mobilization of their members (cf. DiSalvo 2015; Moe 2011)? Given the large cost of mass strikes in terms of time and grassroots organizing, we expect that public sector unions will be most likely to turn to public-facing strikes (like the 2018 teacher walkouts) when these other lower-cost inside strategies are unsuccessful and when their demands are popular in the mass public.

Under these circumstances, government unions have every reason to broaden the scope of conflict to include the mass public (cf. Schattschneider 1960). But when unions can deploy less costly activities (like simply having a lobbyist meet with lawmakers) or when they are pursuing demands that are more controversial with the public, we suspect that unions will opt for less public-facing strategies (on the logic of inside versus outside lobbying more generally, see, for example, Kollman 1998). Indeed, our results complement work by Terry Moe and Sarah Anzia describing how teacher unions work through low-salience and low-visibility strategies, such as capturing school boards, pension boards, or education bureaucracies, when they are pushing policies that tend not to be supported by the public (Anzia 2013; Anzia and Moe 2015; Moe 2011). Our results yield a final implication for thinking about the historical development of the labor smovement: suggest that the decline of strikes we tracked in Figure 1 may form a vicious cycle for the long-term political power of labor. As we have documented, strikes seem to be an important way that people form opinions about unions and develop interest in labor action. As both strikes and union membership have declined precipitously over the past decades, few members of the public have had opportunities to gain firsthand knowledge and interest in unions. Moreover, strikes appear to foster greater interest in further strikes, feeding on one another. If unions are to regain any economic or political clout in the coming years, our study suggests that the strike must be a central strategy of the labor movement.

#### Right to Strike mobilizes socio-economic inequality.

Human Rights Watch, 4-29-2021, "Why the US PRO Act Matters for the Right to Unionize: Questions and Answers," https://www.hrw.org/news/2021/04/29/why-us-pro-act-matters-right-unionize-questions-and-answers

How does the right to organize affect economic and social inequality? (Loyola IB)

Protecting the rights to organize and bargain collectively can play a key role in [reducing economic and social inequality](https://www.nber.org/papers/w24587). These rights allow workers to stand together and bargain for fair wages, adequate benefits, and safe working conditions, and they protect against unjustified job loss and discriminatory or unfair employer behavior, which can help to narrow the racial and gender wage gap.

Many policymakers and commentators have long promoted hard work and [academic success](https://equitablegrowth.org/the-wage-divide-for-black-and-latinx-workers-goes-deeper-than-a-skills-gap-or-requiring-more-credentials/) as primary tools for overcoming a precarious economic existence, but research published in 2018 for the [National Bureau of Economic Research](https://www.nber.org/papers/w24587) in the US shows that this approach overemphasizes the ability of individuals to pull themselves up by their bootstraps and neglects the many structural barriers that limit economic opportunity or keep people trapped in poverty. Labor movements and unions are tools of workers to overcome these barriers collectively and to [address power imbalances](https://equitablegrowth.org/factsheet-the-pro-act-addresses-income-inequality-by-boosting-the-organizing-power-of-u-s-workers/) between workers and employers in a labor market. They can also play a critical role in tempering exploitation through [monopsony](https://equitablegrowth.org/understanding-the-importance-of-monopsony-power-in-the-u-s-labor-market/), a situation in which a few powerful employers depress workers’ wages by dominating the labor market.

Protecting the right to organize may also limit the [corporate capture](https://investorsforhumanrights.org/corporate-capture#:~:text=Corporate%20capture%20refers%20to%20the%20means%20by%20which,or%20remove%2Fundermine%20relevant%20regulations%20that%20seek%20to%20) of public institutions. Companies regularly lobby and pressure legislatures, policymakers and government agencies to weaken workers’ rights protections that the companies perceive to be detrimental to their business interests. The collective power of unions and other labor groups serves as a critical check on this influence. In a 2019 study, researchers at [Duke University and the University of Toulouse](https://people.duke.edu/~ds381/papers/Stegmueller_Becher_UnionsRepresentation_Jan2019.pdf) found that where unions are weaker, politicians tend to be less responsive to the preferences of low-income earners and more attentive to the interests of the elites. Participation in unions also [appears](https://www.jstor.org/stable/2669299?seq=1) to [promote voter participation](https://prospect.org/labor/unions-boost-democratic-participation/) in elections.

#### Unionization uniquely increases biopharma innovation.

Pilma, 8-16-2021, ( Pharmaceutical Industry Labor-Management Association) "New Study Shows Partnership Between New York's Skilled Craft Unions And The Biopharmaceutical Industry Resulted In Nearly $3 Billion In Investment Over Six Years," No Publication, <https://www.prnewswire.com/news-releases/new-study-shows-partnership-between-new-yorks-skilled-craft-unions-and-the-biopharmaceutical-industry-resulted-in-nearly-3-billion-in-investment-over-six-years-301355420.html> (Loyola IB)

NEW YORK, Aug. 16, 2021 /PRNewswire/ -- The Pharmaceutical Industry Labor-Management Association released an update to its first-of-its-kind report on the economic impact of the long-standing partnership between skilled craft unions and the biopharmaceutical industry in New York and 13 other states. The report found that New York building trades helped drive $2.93 billion in investment on major construction projects (over $5 million) active at any point between 2015 and 2021. During the same time period, skilled craft union worker earnings in New York reached nearly $112.5 million – representing more than 3 million hours of work – in addition to significant funding for union health insurance and pension benefits. Updated from a study between 2012 and 2017, the study shows a steady growth in investment from the biopharmaceutical industry both in New York and in the US – with the investment and earnings growing every year since 2015.

"This study demonstrates the value of the critical partnership between the biopharmaceutical industry and the skilled construction craft union workers in New York," said Matthew Aracich, President, Building and Construction Trades Council of Nassau & Suffolk Counties. "As New York looks to recover from the human and economic losses of the COVID-19 pandemic, the biopharmaceutical industry – and the skilled union craft workers that work on industry jobsites– led in developing a path to recovery. Our members are proud of the work they provided to help bring an end to the pandemic. Here in New York, the biopharmaceutical industry relies on high quality training, skills and safety of our members in both building and retrofitting complex facilities."

The study was conducted by the Institute for Construction Economic Research (ICERES), a non-partisan network of academic researchers whose goal is to find pragmatic solutions to workplace and labor market issues in the construction industry. Data for the study were provided by Industrial Information Resources (IIR), a global consulting firm specializing in market data on major power, energy, and industrial infrastructure projects in the United States.

Additional key findings of the report include:

41 major construction projects were active in New York at any point during the six-year time period analyzed.

14 skilled New York craft unions contributed an estimated 3,090,661 labor hours to biopharmaceutical industry construction projects over the six years, earning $112,469,159.

Electricians, instrumentation technicians, plumbers and pipefitters, and carpenters had the highest number of labor hours among the New York trades.

"Skilled construction trades people have been integral to Pfizer's global R&D facility in Pearl River, NY, helping to enable the research, development, and delivery of our vaccines portfolio," said Steve Bjornson, Vice President and Chief Operating Officer, Vaccine Research and Development, Pfizer Inc.

The biopharmaceutical sector in New York turns to union contractors and their workers because of their long-established and highly effective training and apprenticeship programs. Building, refurbishing, and retrofitting biopharmaceutical facilities to handle next-generation research and development requires an educated, skilled, and experienced labor force.

North America's Building Trades Unions spend more than $1.6 billion a year on apprentice and education programs throughout the country without imposing a nickel of student debt or requiring a dime of taxpayer money. Workers develop skills while on the jobsite and participate in classroom learning in the evenings. North America's Building Trades Unions (NABTU) sponsors comprehensive apprenticeship readiness programs (ARPs) throughout the U.S. These programs provide a gateway for local residents – focusing on women, people of color, and transitioning veterans – to gain access to Building Trades' registered apprenticeship programs.

The full report is available at [www.pilma.org/unionjobs](https://c212.net/c/link/?t=0&l=en&o=3259834-1&h=989208436&u=http%3A%2F%2Fwww.pilma.org%2Funionjobs&a=www.pilma.org%2Funionjobs).

Study Methodology

The report examined private-sector biopharmaceutical construction projects active at any time between 2015 and 2020 in 14 states (CA, CO, CT, DE, IL, MA, MD, MI, NJ, NY, OH, OR, PA, and WA). The states included in this report were selected by PILMA. The report relies extensively on data from Industrial Information Resources (IIR), a global consulting firm specializing in market data on major power, energy, and industrial infrastructure projects in the U.S. The study team identified major private-sector projects in each state and made estimates of total industry construction spending and labor demand based on IIR data. Projects that were co-developed with academic institutions, government (e.g. NIH), and hospital systems were not included in the analysis. The second part of the study integrated data from IIR and the U.S. Census Bureau to examine the economic impact of the partnership between the pharmaceutical and biotech industry and construction trades unions.

About Pharmaceutical Industry Labor-Management Association

PILMA is a coalition of labor organizations and companies in the pharmaceutical industry who have joined forces to grow this important sector in our economy, create high-quality jobs, and promote medical innovations to cure disease. More information is available at [www.pilma.org](https://c212.net/c/link/?t=0&l=en&o=3259834-1&h=257710729&u=http%3A%2F%2Fwww.pilma.org%2F&a=www.pilma.org).

The Institute for Construction Economics Research (ICERES)

The Institute for Construction Economics Research (ICERES) is a non-partisan network of academic researchers whose goal is to find pragmatic solutions to workplace and labor market issues in the construction industry.

SOURCE PILMA

#### Disruptive innovation in healthcare solves pandemics

Shaikh 15 (Affan T. Shaikh, Professor at Emory’s school of public health Lisa Ferland, Robert Hood-Cree, Loren Shaffer, and Scott J. N. McNabb, September 23rd 2015, “Disruptive Innovation Can Prevent the Next Pandemic” NCBI <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4585064/>) MULCH

Public health surveillance (PHS) is at a tipping point, where the application of novel processes, technologies, and tools promise to vastly improve efficiency and effectiveness. Yet twentieth century, entrenched ideology and lack of training results in slow uptake and resistance to change. The term disruptive innovation – used to describe advances in technology and processes that change existing markets – is useful to describe the transformation of PHS. Past disruptive innovations used in PHS, such as distance learning, the smart phone, and field-based laboratory testing have outpaced older services, practices, and technologies used in the traditional classroom, governmental offices, and personal communication, respectively. Arguably, the greatest of these is the Internet – an infrastructural innovation that continues to enable exponential benefits in seemingly limitless ways. Considering the Global Health Security Agenda and facing emerging and reemerging infectious disease threats, evolving environmental and behavioral risks, and ever changing epidemiologic trends, PHS must transform. Embracing disruptive innovation in the structures and processes of PHS can be unpredictable. However, it is necessary to strengthen and unlock the potential to prevent, detect, and respond.

Introduction Fifty-two years ago, Alexander Langmuir articulated our modern understanding of public health surveillance (PHS) – the systematic collection, consolidation and evaluation, and dissemination of data (1). In this workflow process, public health provides epidemiologic intelligence to assess and track conditions of public health importance, define public health priorities, evaluate programs, and conduct public health research (2). However, amid this rapidly changing world, PHS has remained sluggish and hindered by the impediments of siloed, vertical (outcome-specific) systems, inadequate training and technical expertise, different information and communication technology (ICT) standards, concerns over data sharing and confidentiality, poor interoperability, and inadequate analytical approaches and tools (3–7).

Gaps and impediments in PHS have become increasingly evident to the world in the wake of the largest Ebola epidemic ever – in which these challenges impacted our ability to prevent, detect, and respond. Under the looming threat of MERS-CoV, leishmaniasis, influenza, multidrug-resistant tuberculosis, and plague, the global public health community now realizes the urgent need to address shortcomings in PHS. Properly preparing for the next major outbreak hinges on our willingness to transform; the consequences of not doing so are dire.

Transforming PHS to meet the needs of the twenty-first century requires novel approaches. A helpful concept to understand and chart this future is disruptive innovation – a term first introduced by Clayton Christensen to describe innovations in technology and processes that disrupt existing markets (8). Disruptive innovations occur when advances in technologies or processes create markets in existing industries. This differs from sustaining innovations, where existing practices are incrementally improved to meet the demands of existing customers; in contrast, newly introduced innovations with disruptive potential (typically unrefined, simple, and affordable in character) target lower-end market needs or create entirely new market segments. As sustaining innovations improve disrupting technologies or processes, these new innovations will meet increasingly greater needs, capture greater market share, and eventually reshape the industry. Christensen uses the example of increasingly smaller disk sizes in the hard disk drive industry, the introduction of hydraulic technology in the mechanical excavator industry, and the rise of minimills in the steel industry to demonstrate the impact of disruptive innovations (8). Here, we describe the need for disruptive innovation in PHS and identify opportunities for disruption in PHS structures and processes.

#### New pandemics are coming and cause extinction – preventative measures solve

Diamandis 21 (Eleftherios P. Diamandis, Division Head of Clinical Biochemistry at Mount Sinai Hospital and Biochemist-in-Chief at the University Health Network and is Professor & Head, Clinical Biochemistry, Department of Laboratory Medicine and Pathobiology, University of Toronto, Ontario, Canada, April 14th 2021, “The Mother of All Battles: Viruses vs. Humans. Can Humans Avoid Extinction in 50-100 Years?” modified to fix author typo [“could result n” 🡪 “could result in” <https://www.preprints.org/manuscript/202104.0397/v1>) MULCH

The recent SARS-CoV-2 pandemic, which is causing COVID 19 disease, has taught us unexpected lessons about the dangers of human extinction through highly contagious and lethal diseases. As the COVID 19 pandemic is now being controlled by various isolation measures, therapeutics and vaccines, it became clear that our current lifestyle and societal functions may not be sustainable in the long term. We now have to start thinking and planning on how to face the next dangerous pandemic, not just overcoming the one that is upon us now. Is there any evidence that even worse pandemics could strike us in the near future and threaten the existence of the human race? The answer is unequivocally yes. It is not necessary to get infected by viruses of bats, pangolins and other exotic animals that live in remote forests in order to be in danger. Creditable scientific evidence indicates that the human gut microbiota harbor billions of viruses which are capable of affecting the function of vital human organs such as the immune system, lung, brain, liver, kidney, heart etc. It is possible that the development of pathogenic variants in the gut can lead to contagious viruses which can cause pandemics, leading to destruction of vital organs, causing death or various debilitating diseases such as blindness, respiratory, liver, heart and kidney failures. These diseases could result [in] the complete shutdown of our civilization and probably the extinction of human race. In this essay, I will first provide a few independent pieces of scientific facts and then combine this information to come up with some (but certainly not all) hypothetical scenarios that could cause human race misery, even extinction. I hope that these scary scenarios will trigger preventative measures that could reverse or delay the projected adverse outcomes.

### Solvency

#### Under the National Labor Relations Act, the US right to strike has become meaningless with a laundry list of exceptions and loopholes that prevents effective strikes

Reddy 21 [Diana S. Reddy, Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, PhD candidate in UCB's Jurisprudence and Social Policy Program and former Fellow in the General Counsel's Office of the AFL-CIO, “There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy,” Yale Law Journal, https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy]/Kankee

The “Right” to Strike Under the NLRA, workers are generally understood to have a “right” to strike. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”79 which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to interfere with or impede or diminish in any way the right to strike . . .”80 Note that it is a testament to deeply-held disagreements about the strike (is it a fundamental right which needs no statutory claim to protection, or a privilege to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.81 To say that a strike is ostensibly legal, though, is not to say whether it is sufficiently protected as to make it practicable for working people. Within the world of labor law, this distinction is often framed as the difference between whether an activity is legal and whether it is protected. So long as the state-as-regulator will not punish you for engaging in a strike, that strike is legal. But given that striking is protest against an employer, rather than against the state-as-regulator, being legal is insufficient protection from the repercussion most likely to deter it—job loss. Employees technically cannot be fired for protected concerted activity under the NLRA, including protected strikes. But in a distinction that Getman and Kohler note “only a lawyer could love—or even have imagined,”82, judicial construction of the NLRA permits employers to permanently replace them in many cases. Consequently, under the perverse incentives of this regime, strikes can facilitate deunionization. Strikes provide employers an opportunity, unavailable at any other point in the employment relationship, to replace those employees who most support the union—those who go out on strike—in one fell swoop. As employers have increasingly turned to permanent replacement of strikers in recent decades, strikes have decreased.83 A law with a stated policy of giving workers “full freedom of association [and] actual liberty of contract” offers a “right” which too many workers cannot afford to invoke.84 It is not just that the right is too “expensive,” however; it is that its scope is too narrow, particularly following the Taft-Hartley Amendments. Law cabins legitimate strike activity, based on employees’ motivation, their conduct, and their targets. The legitimate purposes are largely bifurcated, either “economic,” that is to provide workers with leverage in a bargain with their employer, or to punish an employer’s “unfair labor practice,” its violation of labor law (but not other laws). A host of reasons that workers might want to protest are unprotected—Minneapolis bus drivers not wanting their labor to be used to “shut down calls for justice,” for instance. Striking employees also lose their limited protection if they act in ways that are deemed “disloyal to their” employer,85 or if they engage in the broad swath of non-violent activity construed to involve “violence,” such as mass picketing.86 Tactically, intermittent strikes, slow-downs, secondary strikes, and sit-down strikes are unprotected.87 Strikes are also unprotected if unionized workers engage in them without their union’s approval,88 if they concern nonmandatory subjects of bargaining,89 or if they are inconsistent with a no-strike clause.90 Independent contractors who engage in strikes face antitrust actions.91 Labor unions who sanction unprotected strikes face potentially bankrupting liability.92 The National Labor Relations Board—the institution charged with enforcing the policies of the Act—summarizes these “qualifications and limitations” on the right to strike on its website in the following way: The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.93 The “right” to strike, it seems, is filled with uncertainty and peril. Collectively, these rules prohibit many of the strikes which helped build the labor movement in its current form. Ahmed White accordingly argues that law prohibits effective strikes, strikes which could actually change employer behavior: “Their inherent affronts to property and public order place them well beyond the purview of what could ever constitute a viable legal right in liberal society; and they have been treated accordingly by courts, Congress, and other elite authorities.”94 B. The Limits of Legal Categories

#### The right to strike is key to democracy – organized and empowered labor secures reforms in every area

Puddington 10 [Arch Puddington is currently Senior Scholar Emeritus at Freedom House. He also previously served as the Senior Vice President for Research at Freedom House. "The Global State of Workers’ Rights: Free Labor in a Hostile World." https://freedomhouse.org/sites/default/files/inline\_images/WorkerRightsFULLBooklet-FINAL.pdf]

Some 30 years ago, in August 1980, workers in communist Poland formed the independent Solidarity trade union movement, thereby challenging one of the totalitarian system‘s fundamental principles: control of labor organizations by the party-state. The strike that led to Solidarity‘s establishment was launched at the Lenin shipyards in Gdansk. It quickly spread throughout Poland, and its program escalated from workplace issues to a sweeping demand for freedom to create the institutions that undergird a democratic society. After a decade of tumult and repression, Solidarity emerged triumphant, compelling the country‘s communist authorities to allow competitive elections that resulted in a landmark victory for the democratic opposition. This in turn led to the domino-like collapse of communist rule throughout Central and Eastern Europe and, two years later, the breakup of the Soviet Union. The question some are asking today is whether a phenomenon similar to Solidarity might be possible in what is now the world‘s most powerful authoritarian country, China. In recent years, evidence of worker unrest there has steadily mounted. Strikes and other forms of labor protest occur regularly; just in the last few months, workers have called high-profile strikes at installations operated by some of the world‘s largest multinational corporations. As was the case in Poland, the official labor umbrella group, the All-China Federation of Trade Unions (ACFTU), has played an obstructive role by trying to force striking workers back into their enterprises and in some instances acting as strikebreakers. There are also signs that some within the ACFTU, unlike in the official Polish union, see a need for change that seems to be lost on the leadership.

The burgeoning workers‘ resistance in China has drawn supporters and participants from many segments of the economy, including cab drivers, teachers, and factory workers. Despite their lack of experience as union activists, they have embraced the tried-and-true tactics of labor protest— sit-down strikes and roadblocks, for example—and have eschewed violence. These youthful workers have also used mobile telephones and the internet to draw attention to their causes. The stories they tell about conditions at the workplace are eerily familiar to anyone who is acquainted with the history of the trade union struggle in Europe and North America: low pay within the context of rapidly expanding inequality, punishing hours, harsh supervisors, and a consuming work routine that discourages family life.

The most recent strike wave has taken many observers outside China by surprise. The growth of the Chinese industrial juggernaut gave rise to myths about Chinese workers, who were widely regarded as docile, willing to work remarkably long hours without complaint, uninterested in unions or collective action, inspired by patriotic love for the Communist Party leadership, and unwilling to challenge authority. Among those caught unaware were the owners and managers of multinational corporations whose investments in China have been predicated on the assumption of cheap, compliant Chinese labor. Indeed, the American Chamber of Commerce in China was sharply critical of changes to Chinese labor laws that were adopted in 2008, issuing a thinly veiled warning that enhanced protections for workers would lead multinationals to look elsewhere for new installations.

Unlike the state-owned enterprises in communist Poland, the strike targets in modern China are foreign-owned, private firms. Accordingly, the strikers do not confront the state directly, and the strikes are thus not regarded as overtly political. Still, the increasing willingness of Chinese workers to risk arrest and jail to defend workplace rights is a potent signal to the government of the power of independent worker action.

The Chinese case is a cogent reminder of the central role played by the struggle for worker rights in the past century‘s broader movement toward democratic freedom. From South Africa to South Korea, Chile to the Czech Republic, the democracy and workers‘ rights movements have been closely linked. This relationship was well understood by fascist, communist, and authoritarian dictators who feared the strength of democratic trade unionists.

A number of important qualities distinguish free trade unions from other nongovernmental organizations (NGOs) that promote democratic reform. First, unlike most NGOs, they have a mass membership. Second, if they are run democratically, they can act as a training ground for democracy activists, who learn how to campaign on issues, muster support, and get themselves elected to union offices. And third, trade unions are one of the few NGOs that operate simultaneously in the social, economic, and political spheres, making them a potential counterweight to the concentrated power of economic and political elites.

It is no surprise, then, that a principal goal of totalitarians and dictators of both the right and the left has been to secure absolute control over organized labor and transform unions into pliant instruments of the party-state. Communist movements of the past, which claimed to draw legitimacy from the working classes, were particularly eager to capture and destroy independent labor organizations.

Today, repressive regimes are still wary of the power of organized workers. In a number of societies, unions and workers remain in the forefront of movements that seek human rights, fair elections, a free press, and laws to stem rampant corruption. Unions have played a crucial role, for example, in the effort to bring reforms to Zimbabwe in the face of murderous reprisals by the regime of President Robert Mugabe. In South Africa, it was the labor movement that prevented the transshipment of Chinese weapons to Zimbabwe at a time when the government of President Thabo Mbeke went out of its way to befriend Mugabe. In Iran, bus drivers and other workers have been important forces in the struggle for democracy; threatening statements issued in recent months by the country‘s supreme leader, Ayatollah Ali Khamenei, have paid special attention to the role of workers in the opposition. In Guinea, unions were a critical force in demonstrations that sought democratic change, and union members were prominent among those massacred by the country‘s military junta in September 2009. And in Venezuela, unions have strongly resisted attempts by President Hugo Chavez to bring the entire labor movement under his personal control.

The political leaderships of many authoritarian countries—such as Russia, China, Iran, and Egypt—are acutely aware of the Solidarity example and are determined to forestall a repetition on their territory. However, only the most oppressive regimes—North Korea and Cuba, for example—exert the degree of tight control that marked previous eras, and relatively few countries respond to trade union activism with the sort of thuggery employed by Mugabe. Just as they have developed sophisticated mechanisms to muzzle independent voices in the media, control the activities of civil society organizations, and marginalize opposition political parties, modern authoritarian regimes have devised more nuanced strategies to keep organized labor under control. Thus the Communist Party leadership in China has developed an approach that combines concessions to striking workers with efforts to restrict press attention to labor unrest, prevent labor complaints from reaching higher authorities in the state or party, and above all block the formation of a nationwide workers‘ movement that could become an autonomous source of power like Solidarity.

The problems of workers are not restricted to countries with authoritarian political environments. Societies that otherwise observe a wide array of democratic freedoms—those that tolerate robust debate in the media, are sensitive to the rights of minorities, and have adopted a series of policies to achieve gender equality—may still take steps to limit the power of trade unions as agents of collective bargaining and sources of independent political power. The most glaring example of this phenomenon is the United States. While the country has adopted laws that in principle guarantee the rights of workers to form unions, engage in collective bargaining, and conduct strikes and other forms of workplace protest, these rights have been circumscribed in practice over the past three decades through a combination of court decisions, political initiatives, and government policies.

The status of workers‘ rights must also be viewed within the context of a global decline in freedom of association. Authoritarian governments have singled out the institutions of civil society for special attention in recent years. Targets include democratic political parties, human rights organizations, women‘s advocates, groups that investigate corruption or monitor abuse by security services, organizations that seek legal reform, and groups that champion minority rights or religious freedom—organizations, in other words, that aim to provide ordinary people with a voice or influence on public policy.

#### Establishing an unconditional right to strike is key – it’s the backbone of organized labor activities in every sector

Pope 18 [James Gray Pope is a distinguished professor of law at Rutgers Law School and serves on the executive council of the Rutgers Council of AAUP/AFT Chapters, AFL-CIO. He can be reached at jpope@law.rutgers.edu. "Labor’s right to strike is essential." https://www.psc-cuny.org/clarion/september-2018/labor%E2%80%99s-right-strike-essential]

The recent teacher strikes underscore another, equally vital function of the strike: political democracy. It is no accident that strikers often serve as midwives of democracy. Examples include Poland in the 1970s, where shipyard strikers brought down the dictatorship, and South Africa in the 1970s and 1980s, where strikers were central to the defeat of apartheid. Even in relatively democratic countries like the United States, workers often find it necessary to withhold their labor in order to offset the disproportionate power of wealthy interests and racial elites. During the 1930s, for example, it took mass strikes to overcome judicial resistance to progressive economic regulation. Today, workers confront a political system that has been warped by voter suppression, gerrymandering and the judicial protection of corporate political expenditures as “freedom of speech.” With corporate lackeys holding a majority of seats on the Supreme Court, workers may soon need strikes to clear the way for progressive legislation just as they did in the 1930s.

But if the right to strike is a no-brainer, then how did Cuomo and de Blasio justify attacking it? “The premise of the Taylor Law,” said Cuomo, “is you would have chaos if certain services were not provided,” namely police, firefighters and prison guards. If that’s the premise, then why not endorse Nixon’s proposal as to teachers and most public workers, and propose exceptions for truly essential services? That’s the approach of international law, and that’s what Nixon clarified she supports. But Cuomo couldn’t explain why teachers and other non-essential personnel should be denied this basic human right. As for de Blasio, he claimed that the Taylor Law accomplishes “an important public purpose” and that “there are lots of ways for workers’ rights to be acknowledged and their voices to be heard.” What public purpose? Forcing workers to accept inadequate wages and unsafe conditions? What ways to be heard? Groveling to politicians for a raise in exchange for votes?

The ban forces once-proud unions to serve as cogs in the political machines of Wall Street politicians. No sooner did Nixon endorse the right to strike than two prominent union leaders rushed to provide cover for Cuomo. Danny Donohue, president of the Civil Service Employees Association, called her “incredibly naive” and charged that “clearly, she does not have the experience needed to be governor of New York.” Evidently Cuomo, who was elected governor on a program of attacking unions and followed through with cuts to public workers’ pensions and wages, does have the requisite experience. John Samuelsen of the Transport Workers Union, which represents more than 40,000 New York City transit workers, also lashed out, saying, “I believe that she will cut and run when we shut the subway down…. As soon as her hipster Williamsburg supporters can’t take public transit to non-union Wegmans to buy their kale chips, she will call in the National Guard and the Pinkertons.”

Tough talk. Roger Toussaint, the TWU Local 100 president who led a subway strike in 2005 and was jailed for it, once tagged Samuelsen a “lapdog” for Cuomo. But “attack dog” might be more accurate in this case. Presented with a rare opportunity to trumpet workers’ most fundamental right in the glare of media attention, Samuelsen chose instead to drive a cultural wedge between traditionally minded workers and nonconformists, many of whom toil as baristas, restaurant servers and tech workers – constituencies that are fueling the anti-Trump resistance and pushing the Democratic Party to break with Wall Street.

Here we see shades of former AFL-CIO President George Meany, who helped to elect a very different Richard Nixon by refusing to endorse George McGovern, one of the most consistently pro-labor candidates in US history, on the ground that he was supported by “hippies.”

Samuelsen’s descent to Cuomo attack dog is inexplicable except as a response to the crushing pressures generated by the Taylor Law. He stands out from most other public-sector labor leaders not for sucking up to establishment politicians, but for minimizing it. Just two years ago, Samuelsen was one of the few major labor leaders who had the guts to endorse Bernie Sanders over Wall Street’s choice, Hillary Clinton. And when he was elected president of the New York local, it was on a promise to be more effective at mobilization and confrontation than Toussaint. Once on the job, however, he and his slate had to confront the devastating results of the strike ban. In addition to jailing Toussaint and penalizing strikers two days’ pay for each day on strike, a court had fined the union millions of dollars and stripped away its right to collect dues through payroll deductions. No wonder Samuelsen quietly redirected the union’s strategy away from striking and toward less confrontational mobilizations and political deal-making.

A WAY FORWARD

Any way you look at it, striking will be absolutely essential if American organized labor, now down to 11 percent of the workforce, is to revive. As AFL-CIO President Richard Trumka once warned, workers must have “their only true weapon – the right to strike,” or “organized labor in America will soon cease to exist.” Red-state teachers have shown the way, exercising their constitutional and human right to strike in defiance of “law.” Will Democrats and labor leaders celebrate their example, or will they follow Cuomo, de Blasio and the Republicans down the path of suppression?

### UV

#### 1] Aff gets 1AR theory since the neg can be infinitely abusive and I can’t check back

#### It’s drop the debater since the 1ar is too short to win both theory and substance.

#### No RVI or 2NR paradigm issues since they’d dump on it for 6 minutes and my 3-minute 2AR is spread too thin.

#### Competing interps since reasonability is arbitrary and bites judge intervention.

**2] Reject skep/permissibility – it’s an abhorrent view of the world that makes the debate space horrible which ow on accessibility – making args in favor of an alternate ethic solves.**

#### 3] Policy education is key to advocacy – that outweighs on portable skills.

Nixon 2KMakani Themba-Nixon, Executive Director of The Praxis Project. “Changing the Rules: What Public Policy Means for Organizing.” Colorlines 3.2, 2000.

Getting It in Writing Much of the work of framing what we stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decision maker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decision makers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, stories that are designed to affect the public conversation [and]. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision

of how things should be. And then we must be committed to making it so.

#### 4] Youth participatory action research enables *transformative resistance* and is crucial to make activism work

Cammarota and Fine 08

(Julio, Education@Arizona, Michelle, UrbanEducation@TheGraduateCenterNYU, *Youth Participatory Action Research*

In the Matrix, Morpheus, played by Laurence Fishburne, places Keanu Reeves’ character Neo in a chair to tell him face to face about the real truth of his experience. Morpheus shows Neo a red pill in one hand and a blue one in the other, describing that the red pill will lead him “down the rabbit hole” to the truth while the blue pill will make him forget about their conversation and return everything back to “normal.” Neo looks confused and worried, hesitates for a moment, and then reaches to grab and then swallow the red pill. " e “blue and red pill” scene in ! e Matrix serves as an excellent metaphor for the relationships some educators/activists have with their students, and the kinds of choices we ask them to make. The critical educational experience offered might lead the student “down the rabbit hole” past the layers of lies to the truths of systematic exploitation and oppression as well as possibilities for resistance. A$ er he ingests the red pill, Neo ends up in the place of truth, awakening to the reality that his entire world is a lie constructed to make him believe that he lives a “normal” life, when in reality he is fully exploited day in and day out. What is “normal” is really a mirage, and what is true is the complete structural domination of people, all people. " is book, Revolutionizing Education, literally connects to the metaphorical play on chimera and veracity forwarded by the narrative in ! e Matrix. Examples are presented throughout in which young people resist the 1 normalization of systematic oppression by undertaking their own engaged praxis—critical and collective inquiry, re% ection and action focused on “reading” and speaking back to the reality of the world, their world (Freire, 1993). The praxis highlighted in the book—youth participatory action research (YPAR)—provides young people with opportunities to study social problems affecting their lives and then determine actions to rectify these problems. YPAR, and thus Revolutionizing Education, may extend the kinds of questions posed by critical youth studies (Bourgois, 1995; Fine and Weis, 1998; Giroux, 1983; Kelley, 1994; Macleod, 1987; McRobbie, 1991; Oakes et al., 2006; Rasmussen et al., 2004; Sullivan, 1989; Willis, 1977). How do youth learn the skills of critical inquiry and resistances within formal youth development, research collectives, and/or educational settings? How is it possible for their critical inquiries to evolve into formalized challenges to the “normal” practices of systematic oppression? Under what conditions can critical research be a tool of youth development and social justice work? The Matrix infers revolution by showing how Neo learns to see the reality of his experiences while understanding his capabilities for resistance. " e YPAR cases presented in this book also follow a similar pattern: young people learn through research about complex power relations,histories of struggle, and the consequences of oppression. They begin to re- vision and denaturalize the realities of their social worlds and then undertake forms of collective challenge based on the knowledge garnered through their critical inquiries. As you will read in this volume, the youth, with adult allies, have written policy briefs, engaged sticker campaigns, performed critical productions, coordinated public testimonials—all dedicated to speaking back and challenging conditions of injustice. What perhaps distinguishes young people engaged in YPAR from the standard representations in critical youth studies is that their research is designed to contest and transform systems and institutions to produce greater justice—distributive justice, procedural justice, and what Iris Marion Young calls a justice of recognition, or respect. In short, YPAR is a formal resistance that leads to transformation—systematic and institutional change to promote social justice. YPAR teaches young people that conditions of injustice are produced, not natural; are designed to privilege and oppress; but are ultimately challengeable and thus changeable. In each of these projects, young people and adult allies experience the vitality of a multi- generational collective analysis of power; we learn that sites of critical inquiry and resistance can be fortifying and nourishing to the soul, and at the same time that these projects provoke ripples of social change. YPAR shows young people how they are consistently subject to the impositions and manipulations of domi-nant exigencies. These controlling interests may take on the form of white supremacy, capitalism, sexism, homophobia, or xenophobia—all of which is meant to provide certain people with power at the expense of subordinating others, many others. Within this matrix or grid of power, the possibilities of true liberation for young people become limited. Similar to the film the Matrix, the individual, like Neo, may be unaware of the infections of power fostering oppression. The dawning of awareness emerges from a critical study of social institutions and processes in influencing one’s life course, and his/her capacity to see differently, to act anew, to provoke change. Critical youth studies demonstrate that the revolutionary lesson is not always apprehended in schools; sometimes, young people gain critical awareness through their own endogenous cultural practices. Such is the case of Willis’ (1977) Lads in Learning to Labor. Working- class youth attain insights about the reproductive function of schools through their own street cultural sensibilities. However, they use these insights to resist education en masse by forgoing school for jobs in factories. Scholars (Fine, 1991; Solórzano and Delgado- Bernal, 2001) identify this form of resistance as “self- defeating,” because the students’ choice to forgo school for manual labor contributes to reproducing them as working class. Although the Lads resist the school’s purpose of engendering uneven class relations, their resistance contributes to this engendering process by undermining any chance they had for social mobility. Young people also engage in forms of resistance that avoid self- defeating outcomes while striving for social advancement. Scholars (Fordham, 1996) identify this next level of resistance as “conformist”—in the sense that young people embrace the education system with the intention of seeking personal gains, although not necessarily agreeing with all the ideological ! ligree espoused by educational institutions. " ey use schooling for their own purposes: educational achievements that garner individual gains with social implications beyond the classroom, such as economic mobility, gender equality, and racial parity. Solórzano and Delgado- Bernal (2001: 319–20) contend that students may attain another, yet more conscious form of resistance, which they call “transformational resistance.” A transformational approach to resistance moves the student to a “deeper level of understanding and a social justice orientation.” Those engaged in transformational resistance address problems of systematic injustice and seek actions that foster “the greatest possibility for social change” (ibid.). Although Solórzano and Delgado- Bernal (2001) provide a useful typology (self- defeating, conformist, and transformational) that acknowledges the complexities of resistance, the education and development processes leading to resistances are somewhat under- discussed. Apparently, the production of cultural subjectivities (Bourgois, 1995; Levinson et al., 1996; Willis, 1977) is related to resisting ideological oppressions. However, these cultural productions tend to occur in more informal settings (non- institutional, non- organizational) such as peer groups, families, and street corners. The work presented in this volume agitates toward another framework— where youth are engaged in multi- generational collectives for critical inquiry and action, and these collectives are housed in youth development settings, schools, and/or research sites. With this series of cases, we challenge scholars, educators, and activists to consider how to create such settings in which research for resistance can be mobilized toward justice. A key question is whether resistance can develop within formal proces ses (pedagogical structures or youth development practices). If this question is left $ unattended, we risk perceiving youth resistances as “orientations” as opposed to processes. In other words, the kinds of resistances, whether self- defeating, conformist, or transformational, will be identified as emerging from some inherent fixxed, cultural sensibility. This perspective of young people sustains the ridged essentialization trap that has plagued studies of youth for years (Anderson, 1990; Newman, 1999; Ogbu, 1978). The traditional essentialized view maintains that any problem (poverty, educational failure, drug and alcohol abuse, etc.) faced by youth results of their own volition, thereby blaming the victim for the victim’s problems. Critical youth studies goes beyond the traditional pathological or patronizing view by asserting that young people have the capacity and agency to analyze their social context, to engage critical research collectively, and to challenge and resist the forces impeding their possibilities for liberation. However, another step is needed to further distance critical youth studies from essentialized perspectives by acknowledging that resistances can be attained through formal processes in “real” settings, through multi- generational collectives, and sometimes among youth alone. YPAR represents not only a formal pedagogy of resistance but also the means by which young people engage transformational resistance. (1-4)